

Applicant : Bradley et al.
Serial No. : 09/853,343
Filed : May 10, 2001
Page : 2

Attorney's Doct. No.: 11635-005001 / OTA 00-43

REMARKS

Status of the Claims

Pending claims

Claims 1 to 83 as filed are pending.

The Restriction Requirement

The Patent Office has alleged that the pending claims of the application are directed to three separate and distinct inventions under 35 U.S.C. §121:

Group I: Claims 1 to 57 and 82 to 83, drawn to a modified biological molecule, an article comprising an array, a kit and a method of making a biological molecule and an article.

Group II: Claims 58 and 59 drawn to a method for identifying a specific binding partner.

Group III: Claims 60 to 81 drawn to a method of generating a molecular profile.

The Election

In response to the Restriction Requirement, Applicants elect Group I, claims 1 to 57 and 82 to 83, drawn to a modified biological molecule, an article comprising an array, a kit and a method of making a biological molecule and an article.

Rejoinder of methods claims

Applicants respectfully request that, after the elected product claims (an article comprising an array) have been found to be allowable, all withdrawn process claims (methods of Groups I and II) which depend from or otherwise include all of the limitations of the allowed product claims be rejoined. MPEP §821.04; pg 800-63, 8th Edition, August 2001; *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *In re Brouwer*, 37 USPQ2d 1663 (Fed. Cir. 1995); 1184 OG 86, 3/26/96.

Applicant believes that no fee is required for submission of this Response. However, if a fee is required, the Commissioner is authorized to deduct such fee from the

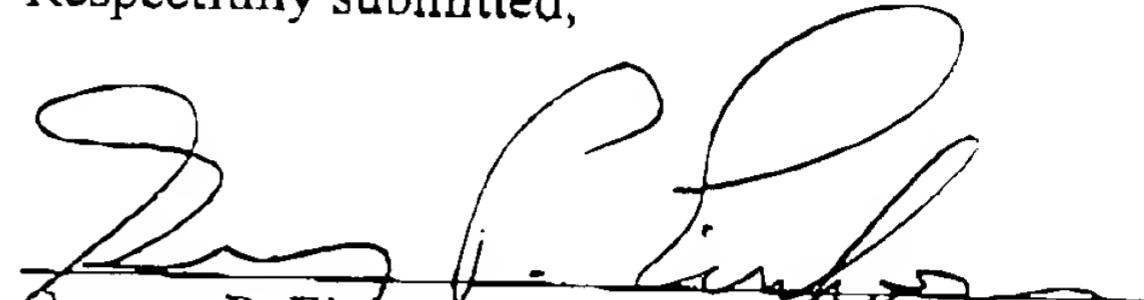
Applicant : Bradley et al.
Serial No. : 09/853,343
Filed : May 10, 2001
Page : 3

Attorney's Do [REDACTED] No.: 11635-005001 / OTA 00-43

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 678 5070.

Respectfully submitted,

Date: Feb. 5, 2002


Gregory P. Einhorn
Reg. No. 38,440

Fish & Richardson P.C.
4350 La Jolla Village Drive, Suite 500
San Diego, California 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

10162584.doc

PATENT
ATTORNEY DOCKET NO. 11635-005001

The Patent and Trademark Office date stamp sets forth the date of receipt of:

Applicant or Patentee BRAOLEY et al.

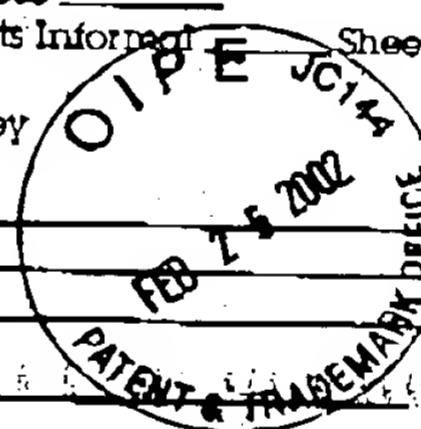
No. (Application, Appeal, Interference, Patent, Reexam) 09/253,393

Filing or Issue Date 5/10/01

Title: Compositions and methods for neopoy based

<input checked="" type="checkbox"/> Transmittal Letter (2 Copies)	<input checked="" type="checkbox"/> With Pet. for Ext.	<i>Genomic, nucleic acid analysis of biological materials</i>
<input type="checkbox"/> Assignment	<input type="checkbox"/> Status Inquiry	
<input checked="" type="checkbox"/> Amendment/Response <u>3</u> Pages	<input type="checkbox"/> Declaration	
<input type="checkbox"/> Maintenance Fee	<input type="checkbox"/> Request Certificate of Correction	
<input checked="" type="checkbox"/> Check \$ <u>55</u>	<input type="checkbox"/> Notice of Appeal	
<input type="checkbox"/> Deposit Account Order Form (2 Copies)	<input type="checkbox"/> Appeal Brief (3 Copies) _____ Pages	
<input type="checkbox"/> Issue Fee	<input type="checkbox"/> Petition for Extension Time	
<input type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> PTO 1449 Form. _____ Pages		
<input type="checkbox"/> Prior Art References-Number of References _____		
<input checked="" type="checkbox"/> Drawings <u>5</u> Sheets Formal _____ Sheets Informal _____ Sheets Amended		
<input type="checkbox"/> Notice of Missing Parts		
<input type="checkbox"/> Combined Declaration and Power of Attorney		
<input type="checkbox"/> Small Entity Statement		
<input type="checkbox"/> Other _____		

Atty/Secy/ GPE Client/
Initials JCR Matter Name Baylor Date 2/12/02



RECEIVED

4A

FISH & RICHARDSON, P.C.
SAN DIEGO